

REMARKS

The interview courteously granted Applicants' representatives on December 23, 2002, is hereby acknowledged with appreciation. In accordance with the understanding of Applicant's representative during the interview, Claim 1 has been amended to more particularly claim Applicants' invention. Support for the amendment to claim 1 that the terminal parts of at least some of the projecting elements are formed from a distinct second polymer material can be found in the specification at least at page 3, lines 18 through 20. No new matter is introduced by any amendments to claim 1.

Claims 1-15 are pending in the application for examination. Claims 16-33 are canceled without prejudice and Applicants' reserve the right to file a divisional application.

Drawings:

Proper corrected formal drawings are submitted in response to the Examiner's request.

Rejections Under 35 USC § 102(b):

Claims 1, 2, 5-8, 10, 12 and 15 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,507,010 ("Doleman"), claims 1, 2, 5-8, 12, 13 and 15 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 4,329,196 ("Rawlinson"), and claims 1, 2, 5-10, 12, 14 and 15 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 4,004,376 ("Schepp"). The Examiner has rejected the claims contending that there is no recitation in the claims that indicate that the two polymers have to be different from one another. Applicant's maintain that the use of claim language referring to one polymer material and a second polymer material supports the position that claim 1 requires different polymer materials. However, during a telephone interview with Examiner Jeremy R. Pierce on December 23, 2002, Applicant's agreed to amend the language of independent claim 1 to more precisely identify the utilization of two distinct polymers in the projecting elements. Twice amended claim 1 reads "a generally planar base section . . . formed from a first polymer material and at least one projecting element . . . wherein at least some terminal parts of said projecting elements

are formed from a second polymer material, and wherein said first polymer material and said second polymer material are distinct polymeric materials." (Emphasis added). This language clearly teaches the use of a second distinct polymer material to form the terminal parts of at least some of the projecting elements. Twice amended claim 1 clearly teaches the use of a second distinct polymer material thereby overcoming the Examiner's rejections, and accordingly, claim 1 patentably distinguishes over Doleman, Rawlinson and Schepp. As such, reconsideration and withdrawal of the rejections under 35 U.S.C. 102(b) is respectfully requested.

Claims 2, 5-10, 12, 13, 14 and 15 depend either directly or indirectly from claim 1 and patentably distinguish over Doleman, Rawlinson and Schepp. As these dependent claims include all of the elements of claim 1, which is now believed to be allowable over Doleman, Rawlinson and Schepp, Applicants assert that these claims are also allowable. Withdrawal of the 35 USC 102(b) rejections of pending claims 2, 5-10, 12, 13, 14 and 15 is respectfully requested.

Rejection Under 35 USC § 102(e):

Claims 1, 2, 5-10, 12, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,357,388 ("Holtrop"). Holtrop teaches projections being separately formed of one material in a grid and then bonded to a planar base, optionally of a different material (column 2, lines 27-30). Claim 1 of the Applicants' invention is distinguishable from Holtrop in that it requires the use of different materials in the projections themselves. Twice amended claim 1 reads "a generally planar base section . . . formed from a first polymer material and at least one projecting element . . . wherein at least some terminal parts of said projecting elements are formed from a second polymer material, and wherein said first polymer material and said second polymer material are distinct polymeric materials." (Emphasis added). This language clearly teaches the use of a second distinct polymer material to form the terminal parts of at least some of the projecting elements. Twice amended claim 1 clearly teaches the use of a second distinct polymer material thereby overcoming the Examiner's rejections, and accordingly, claim 1 patentably distinguishes over Holtrop. As such, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. 102(e) is respectfully requested.

Claims 2, 5-10, 12, 13 and 15 depend either directly or indirectly from claim 1. As these claims include all of the elements of claim 1, which is now believed to be allowable over the cited reference, Applicants assert that these claims are now allowable. Withdrawal of the 35 USC 102(e) rejection of pending claims 2, 5-10, 12, 13 and 15 is respectfully requested.

Rejections Under 35 USC § 103:

Claims 3, 4 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Doleman, Rawlinson, Schepp or Holtrop. As claims 3, 4 and 11 all depend indirectly from independent claim 1 and claim 1 is now believed to be allowable over Doleman, Rawlinson, Schepp and Holtrop, Applicants assert that the identified claims are also allowable.

To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ 1596 (Fed. Cir. 1988). Applicants' twice amended claim 1 clearly teaches that at least some terminal parts of the projecting elements are formed from a second distinct polymer material which patentably distinguishes over Doleman, Rawlinson, Schepp and Holtrop. Pursuant to the holdings in *Royka* and *Fine*, claims 3, 4 and 11 which indirectly depend from claim 1 of the present invention, are also nonobvious. As these dependent claims include all of the elements of claim 1, which is now believed to be allowable over the cited references for the reasons set forth above, Applicants assert these claims are also allowable. Withdrawal of the rejection of pending claims 3, 4 and 11 is respectfully requested.


It is respectfully requested in accordance with the amendment of claim 1 and the discussion above, that the rejection of claims be considered and claims 1-15 be found allowable.

Should the Examiner believe the issues remain outstanding, the Examiner is respectfully requested to call Applicants' undersigned attorney in an effort to resolve such issues and advance this application to issue.

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Respectfully submitted,

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Marked Up Claim

1. (Twice Amended) A three dimensional, unitary, molded, polymeric article comprising a generally planar base section with a first side and a second side formed from [one] a first polymer material and at least one projecting element with a base section and a terminal part, the projecting element extending from the first side of said base section, wherein at least some terminal parts of said projecting elements are formed from a second polymer material, and wherein said first polymer material and said second polymer material are distinct polymeric materials.